

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

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- against -

16 Cr. 49 (VSB)

JASON PEREZ, :

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X

ORDER

Defendant. :

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JASON PEREZ, :

Petitioner, :

- against -

17-CV-5116 (VSB)

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X

UNITED STATES OF AMERICA, :

Respondent. :

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VERNON S. BRODERICK, United States District Judge:

On July 10, 2017, I granted Defendant and Petitioner Jason Perez's leave to file an untimely notice of appeal and thus to proceed with his direct appeal, *see United States v. Perez*, No. 16-CR-49, Dkt. No. 46; *see also Perez v. United States*, 17-CV-5116, Dkt. No. 3. In light of that Order, I also denied as moot Perez's motion to vacate his conviction pursuant to 28 U.S.C. § 2255. I further instructed Perez that “[t]o the extent [he] [sought] relief pursuant to 28 U.S.C. § 2255 following the conclusion of his direct appeal, he [was] directed to file a motion for such relief using” civil case number 17-CV-5116. *See Perez*, No. 16-CR-49, Dkt. No. 46; *see also*

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Perez v. United States, 17-CV-5116, Dkt. No. 3. However, my Order was never mailed to Perez and thus Perez was never notified of his leave to file an untimely notice of appeal, nor my instruction that he renew his § 2255 following the conclusion of his direct appeal. (See June 5, 2020 Letter from Perez.) Accordingly, it is hereby:

ORDERED that Perez is granted further leave to file a late notice of appeal. Perez is directed to file his notice of appeal on or before October 1, 2020. In light of the fact that Perez will proceed with his direct appeal, his motion to supplement his 28 U.S.C. § 2255, (17-CV-5116, Dkt. No. 5; 16-CR-49, Dkt. No. 47), is DENIED as moot. To the extent Perez seeks relief pursuant to 28 U.S.C. § 2255 following the conclusion of his direct appeal, he is directed to file a motion for such relief using civil case number 17-CV-5116.

The Clerk of Court is directed to mail a copy of this order to Perez at the address listed in his June 5, 2020 letter—Jason Perez, Reg. No. 75450-054, F.C.I. Ray Brook, P.O. Box 900, Ray Brook, NY 12977.

SO ORDERED.

Dated: August 18, 2020
New York, New York


Vernon S. Broderick
United States District Judge